

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

IN RE CATTLE AND BEEF  
ANTITRUST LITIGATION

Case No. 22-md-03031 (JRT/JFD)

This Document Relates To:  
ALL CASES.

**DEFENDANTS' MOTION TO  
COMPEL DISCOVERY FROM  
WITNESS 1 (JASON FULLERTON)**

Defendants, by and through their undersigned counsel, hereby move the court for an order compelling discovery from third-party fact witness James Fullerton ("Fullerton"), who is referenced in Plaintiffs' complaint as "Witness 1." Case No. 19-cv-1222, ECF No. 312 ¶ 117. Specifically, Defendants request an Order compelling Fullerton to search for and produce documents in response to Defendants' Subpoena Requests Nos. 14, 15, 17, and 20-31, from January 1, 2014 through December 28, 2020, to search for and produce all responsive documents that are being held in the files of his attorney, and to produce all responsive documents withheld based on an assertion of Plaintiffs' work product. This Motion is made pursuant to Federal Rules of Civil Procedure 26 and 45. This Motion is supported by all files, records, and proceedings herein, including the supporting memorandum of law, declaration, and exhibits filed herewith, and the arguments of counsel.

Dated: November 7, 2023

/s/ Jessica J. Nelson

Donald G. Heeman, Reg. No. 0286023  
Jessica J. Nelson, Reg. No. 0347358  
Randi J. Winter, Reg. No. 0391354  
**SPENCER FANE LLP**  
100 South Fifth Street, Suite 2500  
Minneapolis, MN 55402  
Tel.: (612) 268-7000  
dheeman@spencerfane.com  
jnelson@spencerfane.com  
rwinter@spencerfane.com

Sami H. Rashid (*pro hac vice*)

**QUINN EMANUEL URQUHART &  
SULLIVAN LLP**  
51 Madison Avenue  
New York, NY 10010  
Tel.: (212) 849-7000  
samirashid@quinnemanuel.com

***Counsel for Defendants JBS USA Food  
Company, JBS Packerland, Inc., Swift  
Beef Company, and JBS S.A. in the DPP,  
Peterson, Erbert & Gerbert's, and Winn-  
Dixie cases***

/s/ Benjamin L. Ellison

Benjamin L. Ellison, Reg. No. 0392777  
**JONES DAY**  
90 South Seventh Street, Suite 4950  
Minneapolis, MN 55402  
Tel.: (612) 217-8862  
bellison@jonesday.com

Julia E. McEvoy (*pro hac vice*)

**JONES DAY**  
51 Louisiana Avenue, N.W.  
Washington, D.C. 20001-2113  
Tel.: (202) 879-3867  
jmcevoy@jonesday.com

***Counsel for Defendant National Beef  
Packing Company, LLC***

/s/ Patrick E. Brookhouser, Jr.

Lewis A. Remele, Jr., Reg. No. 90724  
Christopher R. Morris, Reg. No. 230613  
**BASSFORD REMELE, P.A.**  
100 South 5<sup>th</sup> Street, Suite 1500  
Minneapolis, MN 55402  
Tel.: (612) 333-3000  
lremele@bassford.com  
cmorris@bassford.com

William F. Hargens (*pro hac vice*)

Mark F. Enenbach (*pro hac vice*)

Patrick E. Brookhouser, Jr. (*pro hac vice*)

Matthew G. Munro (*pro hac vice*)

**MCGRATH NORTH MULLIN & KRATZ, PC  
LLO**

First National Tower, Suite 3700  
1601 Dodge Street  
Omaha, NE 68102  
Tel: (402) 341-3070

whargens@mcgrathnorth.com  
menenbach@mcgrathnorth.com  
pbrookhouser@mcgrathnorth.com  
mmunro@mcgrathnorth.com

***Counsel for Defendants JBS USA Food  
Company, JBS Packerland, Inc., Swift Beef  
Company, and JBS S.A. in the Cattle case***

/s/ Ulrike B. Connelly

David P. Graham, Reg. No. 0185462  
**DYKEMA GOSSETT, PLLC**  
4000 Wells Fargo Center  
90 South 7th Street  
Minneapolis, MN 55402  
(612) 486-1521  
dgraham@dykema.com

Jon B. Jacobs (*pro hac vice*)  
Jeremy C. Keeney (*pro hac vice*)  
**PERKINS COIE LLP**  
700 13th Street, NW, Suite 800  
Washington, DC 20005  
(202) 654-1758  
jbjacobs@perkinscoie.com  
jkeeney@perkinscoie.com

Susan E. Foster (*pro hac vice*)  
Ulrike B. Connelly (*pro hac vice*)  
Tiffany Lee (*pro hac vice*)  
Hannah Parman (*pro hac vice*)  
**PERKINS COIE LLP**  
1201 Third Avenue, Suite 4900  
Seattle, WA 98101-3099  
(206) 359-8846  
sfoster@perkinscoie.com  
uconnelly@perkinscoie.com  
tiffanylee@perkinscoie.com  
hparman@perkinscoie.com

Barry G. Stratford (*pro hac vice*)  
**PERKINS COIE LLP**  
2901 N Central Avenue, Suite 200  
Phoenix, Arizona 85012-2788  
(602) 351-8000  
bstratford@perkinscoie.com

Caroline Gizem Tunca (*pro hac vice*)  
**PERKINS COIE LLP**  
110 North Wacker Drive, Suite 3400  
Chicago, Illinois 60606  
(312) 324-8400  
ctunca@perkinscoie.com

*Counsel for Defendants Tyson Foods, Inc.,  
and Tyson Fresh Meats, Inc.*

/s/ Holley C. M. Horrell

X. Kevin Zhao, Reg. No. 0391302  
Holley C. M. Horrell, Reg. No. 0399636  
Davida S. McGhee, Reg. No. 0400175  
**GREENE ESPEL PLLP**  
222 S. Ninth Street, Suite 2200  
Minneapolis, MN 55402  
(612) 373-0830  
kzhao@greeneespel.com  
hhorrell@greeneespel.com  
dwilliams@greeneespel.com

Beth A. Wilkinson  
Kosta S. Stojilkovic  
**WILKINSON STEKLOFF LLP**  
2001 M Street NW, 10th Floor  
Washington, DC 20036  
(202) 847-4010  
bwilkinson@wilkinsonstekloff.com  
kstoilkovic@wilkinsonstekloff.com

Moria Penza  
**WILKINSON STEKLOFF LLP**  
130 W 42nd Street, Floor 24  
New York, NY 10036  
(212) 294-8914  
mpenza@wilkinsonstekloff.com

Jacob D. Bylund (*pro hac vice*)  
**FAEGRE DRINKER BIDDLE & REATH  
LLP**  
801 Grand Avenue, 33rd Floor  
Des Moines, IA 50309  
(515) 248-9000

Bennet Rawicki  
**HILGERS GRABEN PLLC**  
7859 Walnut Hill Lane, Suite 335  
Dallas, TX 75230  
(469) 640-6842  
brawicki@hilgersgraben.com

Britt M. Miller (*pro hac vice*)  
Matthew Provance (*pro hac vice*)  
**MAYER BROWN LLP**  
71 South Wacker Drive  
Chicago, IL 60606

(312) 782-0600  
bmiller@mayerbrown.com  
mprovance@mayerbrown.com

William H. Stallings (*pro hac vice*)  
**MAYER BROWN LLP**  
1999 K Street, NW  
Washington, DC 20006-1101  
(202) 263-3338  
wstallings@mayerbrown.com

*Counsel for Defendants Cargill,  
Incorporated and Cargill Meat Solutions  
Corporation*